

STATE OF INDIANA )  
 ) SS:  
COUNTY OF HAMILTON )

IN THE HAMILTON SUPERIOR COURT NO. 6

CAUSE NO. 29D06-\_\_\_\_\_-SC-\_\_\_\_\_

\_\_\_\_\_,  
Plaintiff(s), vs.

\_\_\_\_\_,  
Judgment Defendant,

and

\_\_\_\_\_,  
Garnishee Defendant (**Financial Institution**).

\_\_\_\_\_  
(Street address)

\_\_\_\_\_  
(Street address)

\_\_\_\_\_  
(City, State, Zip)

\_\_\_\_\_  
(City, State, Zip)

**Service requested on Judgment Defendant by:**

☐ Certified Mail or  
☐ Sheriff of \_\_\_\_\_ County

**Service requested on Garnishee Defendant by:**

☐ Certified Mail or  
☐ Sheriff of \_\_\_\_\_ County

**VERIFIED MOTION FOR PROCEEDINGS SUPPLEMENTAL, ORDER, AND  
SUMMONS AND INTERROGATORIES TO DEFENDANT AND GARNISHEE DEFENDANT**

Plaintiff (Judgment Creditor) in the above entitled matter has an unpaid judgment against the Judgment Defendant (Debtor), which there is now due the amount of:

\$ \_\_\_\_\_.

Plaintiff has no cause to believe that levy of execution against the Defendant(s) will satisfy the judgment; and the Garnishee Defendant (Financial Institution) may have in its possession property of Defendant.

Plaintiff, therefore, moves the Court to issue an order notifying Defendant of hearing on these proceedings and requiring the Garnishee Defendant to answer interrogatories concerning the Defendant's property in its/his/her possession.

I swear or affirm, under the penalty of perjury, that the foregoing representations are true.

\_\_\_\_\_  
Street Address of Plaintiff or Plaintiff's Attorney

\_\_\_\_\_  
Signature of Plaintiff or Plaintiff's Attorney

\_\_\_\_\_  
City, State and Zip of Plaintiff or Plaintiff's Attorney Telephone of Plaintiff or Plaintiff's t /Attorney

**NOTICE OF GARNISHMENT HEARING**

The Court grants the Plaintiff's motion and notifies the Defendant of the hearing in this Court on:

\_\_\_\_\_, 200\_\_, at \_\_\_\_\_: \_\_\_\_\_ a.m.

If Defendant desires to contest the garnishment, Defendant must appear. The Court requests t he Judgment Defendant to review the attached Notice to Defendant of Exemptions and Right to Prompt Hearing.

**ORDER TO GARNISHEE DEFENDANT (FINANCIAL INSTITUTION) TO ANSWER**

The Court ORDERS the Garnishee Defendant (Financial Institution) to answer under oath and return to the Clerk the attached interrogatories on or before the above stated Garnishment Hearing date, or else, to appear in Court on the above stated date and time for the garnishment hearing.

The Court orders the Garnishee Defendant, as a depository financial institution, to place a 90-day hold on any deposit accounts in which the Judgment Defendant(s) (Debtors) may have an interest, either individually or jointly with another person, pursuant to I.C. 28-9-4-2, upon receipt of the documents and process required under subdivisions (1) though (3) of I.C. 28-9-3-3(b).

**NOTICE:** Indiana Code § 34-25-3-3 provides that the Garnishee Defendant (Financial Institution) is accountable for monies in his hands and/or payable to Defendant from the date of the service of this Summons.

Dated: \_\_\_\_\_, 200\_\_

\_\_\_\_\_  
Judge, Hamilton Superior Court No. 6

**(Sheriff's Return of Service on reverse side)**

**SHERIFF'S RETURN OF SERVICE FOR  
VERIFIED MOTION FOR PROCEEDINGS SUPPLEMENTAL, ORDER,  
AND INTERROGATORIES TO DEFENDANT AND /GARNISHEE DEFENDANT**

I hereby certify that on the below date:

- ☐ I served this Order to Appear by delivering a copy to the Defendant.
- ☐ I served this Order to Appear by leaving a copy:
- ☐ at the dwelling or usual place of abode of Defendant;
  - ☐ with a person residing therein, namely \_\_\_\_\_;
  - ☐ and by mailing a copy of the Order to Appear to the Defendant, by first class mail, to the address listed on this Order to Appear (date mailed if different from below: \_\_\_\_\_, 200\_\_).
- ☐ I was unable to serve this Order to Appear because \_\_\_\_\_
- \_\_\_\_\_.

Dated: \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Sheriff of \_\_\_\_\_ County

By: \_\_\_\_\_

## **NOTICE TO JUDGMENT DEFENDANT OF EXEMPTIONS AND RIGHT TO A PROMPT HEARING**

It may be that the plaintiff has or will have notice to your bank or other persons holding property or assets for you of the intent to put a hold on certain accounts held by you, either individually or jointly with another person, including, but not limited to bank, share, and credit union accounts. Under Indiana law, this notice may already have resulted in the placing a hold on those accounts.

Under federal and state law, certain funds are exempt from garnishment. This means that these funds may not be taken by creditors even if they have been deposited into your accounts. Social security, supplemental security income, veterans benefits, certain disability pension benefits, and benefits under any pension paid from a trust qualified under that employee retirement income security act of 1974 cannot be taken. There may be other exemptions under state or federal law. If you or another person who maintains a joint account with you believe that all or some of the funds in these accounts are exempt, you or your joint depositor are entitled to a prompt hearing in this court to present evidence to establish exemptions and to seek removal of the hold.

To obtain such a hearing, fill in the form marked "Exemption Claim and Request for Hearing" below and return it to this Court either by mail or by personally bringing it to the Court. A copy of that form should also be sent to plaintiff's attorney or to the plaintiff, if the plaintiff is not represented by an attorney. A prompt hearing will be scheduled by the Court as soon as possible, but generally no later than five (5) days (excluding Saturdays, Sundays and legal holidays) after the completed form is received by the Court. Please call the Court at 770-4450 to find out when the hearing is scheduled. When calling the Court, please have the cause number handy. The cause number is located on the first page of this document at the top of the right-hand side. After the hearing, the Court will decide whether all or part of the funds in each account on which a hold has been placed or other accounts in which you have an interest may be taken by the plaintiff. If a joint depositor or you do not request an early hearing, there will be a hearing at the time when you are ordered to appear. At that hearing, you and a joint depositor are entitled to assert any exemptions. However, if a joint depositor or you do not request an early hearing, each account on which a hold has been placed may not be released until the time you are ordered to appear.

### **EXEMPTION CLAIM AND REQUEST FOR HEARING (Send this part to the Court)**

TO: **Hamilton County Clerk**  
**One Hamilton County Square**  
**Suite 215**  
**Noblesville, Indiana 46060**

Cause No. \_\_\_\_\_  
Plaintiff: \_\_\_\_\_  
Defendant: \_\_\_\_\_  
Court date: \_\_\_\_\_

I believe that all or part of the money in my account(s) that have been frozen cannot be frozen since the account(s) contain exempt funds. I would like a hearing at the earliest possible time.

Check one:  
☐ I am the Judgment Defendant.  
☐ I maintain a joint account with the  
Judgment Defendant.

Signature \_\_\_\_\_  
Printed Name \_\_\_\_\_  
Address \_\_\_\_\_  
Daytime Phone No. \_\_\_\_\_

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### **EXEMPTION CLAIM AND REQUEST FOR HEARING (Send this part to Plaintiff or attorney)**

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Court date: \_\_\_\_\_  
Cause No. \_\_\_\_\_  
Plaintiff: \_\_\_\_\_  
Defendant: \_\_\_\_\_

I believe that all or part of the money in my account(s) that have been frozen cannot be frozen since the account(s) contain exempt funds. I would like a hearing at the earliest possible time.

Check one:  
☐ I am the Judgment Defendant.  
☐ I maintain a joint account with the  
Judgment Defendant.

Signature \_\_\_\_\_  
Printed Name \_\_\_\_\_  
Address \_\_\_\_\_  
Daytime Phone No. \_\_\_\_\_